

By: Legler

H.B. No. 1229

A BILL TO BE ENTITLED

AN ACT

relating to equal parenting orders in suits affecting the parent-child relationship.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 153.001(a), Family Code, is amended to read as follows:

(a) The public policy of this state is to:

(1) assure that children will have frequent and continuing contact with parents who have shown the ability to act in the best interest of the child;

(2) provide a safe, stable, and nonviolent environment for the child; and

(3) encourage parents to share equally in the rights and duties of raising their child after the parents have separated or dissolved their marriage.

SECTION 2. Section 153.134, Family Code, is amended by adding Subsection (c) to read as follows:

(c) If the court renders an order appointing the parents joint managing conservators under this section, the court shall enter a possession order under Subchapter F-1 that provides for equal parenting, unless the court determines that order is not in the best interest of the child, in which case the court may enter:

(1) a standard possession order as provided by Subchapter F; or

1 (2) another order regarding possession that the court
2 determines is in the best interest of the child.

3 SECTION 3. Chapter 153, Family Code, is amended by adding
4 Subchapter F-1 to read as follows:

5 SUBCHAPTER F-1. EQUAL PARENTING ORDER

6 Sec. 153.351. AUTHORITY TO ENTER EQUAL PARENTING ORDER.
7 Notwithstanding any other provision of this chapter, a court shall,
8 as an alternative to the standard possession order under Subchapter
9 F, enter an order providing for periods of possession of a child in
10 accordance with this subchapter if the court:

11 (1) appoints the parents joint managing conservators
12 under Section 153.134; and

13 (2) determines that the order would be in the best
14 interest of the child.

15 Sec. 153.352. PERIODS OF POSSESSION UNDER EQUAL PARENTING
16 ORDER. (a) Subject to Subsection (b), a court may enter an order
17 under this subchapter that provides that each parent has the right
18 to possession of the child under one of the following arrangements:

19 (1) an arrangement under which each parent has
20 possession of the child for one week at a time, alternating weeks of
21 possession with the other parent, with no modification based on
22 holidays that occur during each week, but subject to modification
23 based on agreement by each parent;

24 (2) an arrangement under which each parent has
25 possession of the child for two weeks at a time, alternating
26 two-week periods of possession with the other parent, with one
27 weeknight of possession exercised during each week of the period by

1 the parent not otherwise in possession during that period, and
2 subject to modification based on agreement by each parent;

3 (3) an arrangement under which each parent has
4 possession of the child for four weeks at a time, alternating
5 four-week periods of possession with the other parent, with one
6 weeknight of possession exercised during each week of the period by
7 the parent not otherwise in possession during that period, and
8 subject to modification based on agreement by each parent; or

9 (4) an arrangement under which each parent has
10 possession of the child under a schedule specified by the court,
11 provided that:

12 (A) the schedule may not grant possession to a
13 parent for a number of days each year that exceeds the number of
14 days of possession granted to the other parent for that year by more
15 than five days; and

16 (B) the schedule must alternate on a yearly basis
17 the parent who is granted possession for a number of days for the
18 year that exceeds the number of days granted to the other parent.

19 (b) A court shall provide parents with the opportunity to
20 select by agreement one of the arrangements described by Subsection
21 (a)(1), (2), or (3), subject to the court's determination that the
22 selected arrangement is in the best interest of the child. If the
23 parents do not agree, the court may order any arrangement described
24 by Subsection (a).

25 SECTION 4. The enactment of this Act does not constitute a
26 material and substantial change of circumstances sufficient to
27 warrant modification of a court order or portion of a decree that

1 provides for the possession of or access to a child rendered before
2 the effective date of this Act.

3 SECTION 5. The change in law made by this Act applies to a
4 suit affecting the parent-child relationship that is pending in a
5 trial court on the effective date of this Act or that is filed on or
6 after the effective date of this Act.

7 SECTION 6. This Act takes effect September 1, 2011.